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| 09/782,754 | 02/12/2001 | David Leigh Donoho | UNIV0001C | 1053 |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--|--------------------------------------|--|
| <p align="center">Office Action Summary</p> | Application No. 09/782,754 | Applicant(s) DONOHO ET AL. | |
| | Examiner Mohammad A. Siddiqi | Art Unit 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/26/2006</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____. |
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DETAILED ACTION

1. Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3, and 5-6, are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman et al. (6,594,692) (hereinafter Reisman).
4. As per claim 1, Reisman discloses a communications system, comprising:

an advice provider (special purpose server, col 9, lines 43-50; col 26, lines 20-44) which broadcasts (broadcast information distribution system, col 26, lines 20-44) information over a communications medium to a plurality of advice consumers (col 26, lines 20-44), irrespective of actual relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates irrespective of actual relevance, col 26, lines 20-31) of said information to said plurality of advice consumers (recipient communication devices, col 26, lines 20-44).

an advice consumer of said plurality of advice consumers for gathering (gathering is interpreted as receiving information, col 26, lines 20-44) said broadcast information from said communications medium (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-44); and

a reader associated with said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates reader, col 26, lines 20-45) for determining relevance (tuned, col 20-44) of said gathered broadcast information to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45);

wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information (watch for receipt

object, col 26, lines 20 –44) meets certain predetermined relevance criteria (recipient communication devices are tuned to identify and receive from the broadcast specific data elements to which they are entitled anticipates predetermined relevance criteria, col 26, lines 20-45).

5. As per claim 3, Reisman discloses wherein relevance of said information to said advice consumer is based upon any of the properties of an advice consumer's computer, said computer's contents or state, or the properties of a local environment associated with said computer (subscription delivery, col 26, lines 45-63).

6. As per claim 5, Reisman discloses wherein said information being broadcast may consist of any of humanly interpretable content, data, or software tools (subscription delivery, col 26, lines 45-63; col 38, lines 28-55).

7. As per claim 6, Reisman discloses wherein said advice provider specifies an audience for whom said information is potentially relevant by referring to properties of an advice consumer which are used to determine the relevance of said information to said advice consumer (recipient

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communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45, subscription delivery).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 4, 7-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman et al. (6,594,692) (hereinafter Reisman) in view of Cheng et al. (6,151,643) (hereinafter Cheng).

10. As per claim 2, Reisman does not explicitly disclose means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider. However, Cheng discloses means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's

identity to said advice provider (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Reisman and Cheng. The motivation would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

11. As per claim 4, the claim is rejected for the same reasons as claim 2, above. In addition, Cheng discloses advice consumer maintains anonymity, privacy, and security by not revealing to said advice provider either that said advice consumer is provider, that said advice consumer has received any particular message, or that said information is relevant to said advice consumer (col 21, lines 45-60; col 7, lines 45-67).

12. As per claim 7, Riesman discloses a communication method and system, comprising the step of:

preparing a message at an advice provider location (data objects, col 26, lines 20-31).

broadcasting said message to potential advice consumer anonymously (col 47, lines 50-54, lines 62-63) using network (broadcast information distribution system, col 26, lines 20-31; col 47, lines 50-67, proxy server);

receiving said broadcast message to said potential advice consumers (col 26, lines 20-46);

storing said received broadcast message at an advice consumer location (col 26, lines 20-45); and

determining at said advice consumer location whether said stored received broadcast message is relevant to said advice consumer location (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45);

is broadcast to advice consumers to whom it is potentially relevant (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45). Although Reisman discloses system of broadcasting information and users are tuned to process relevant information by hiding information (firewall proxy servers, redirection). He does not specifically states wherein said message is broadcast to advice consumer to whom it is potentially relevant without requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers;

However, Cheng discloses message is broadcast to advice consumer to whom it is potentially relevant without (102, fig 1, col 2, lines 61-67) requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers (col 21,

lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Reisman and Cheng. The motivation would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

13. As per claim 8, claim is rejected for the same reasons as claim 7, above. In addition, Reisman discloses communications protocol for narrowly-focused (fetch –send protocol, 22, fig 1) targeting of said received advisories to said advice consumer automatically matching said received advisories at said advice consumer for whom said received advisories are potentially relevant (tuned is interpreted as relevance, identifying specific is interpreted as automatically matching, col 26, lines 22-44).

14. As per claim 9, Reisman discloses an advice reader associated with an advice consumer computer for performing relevance determination (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

15. As per claim 10, Reisman discloses wherein relevance determination is automatically performed based on a combination of conditions, including any

of hardware attributes, configuration attributes, database attributes, environmental attributes, computed attributes, remote attributes, timeliness, personal attributes, randomization, and advice attributes (col26, lines 20-45).

16. As per claim 11, Reisman discloses wherein said advice reader operates automatically to determine relevance determination (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

17. As per claim 12, the claim is rejected for the same reasons as claim 7, above. In addition, Cheng discloses a gatherer for gathering advisories to which said advice consumer subscribers col 7, lines 12-45; col 6, lines 31-50);

a subscription manager for entering subscriptions to advisories based on information in at least one advice consumer site definition file (col 7, lines 12-45; col 6, lines 31-50; col 10, lines 25-32);
an unwrapper for parsing said advisories (fig 9-10);
a module for determining the relevance of said advisories, said determination being made either continuously, at scheduled intervals, or under user manual control (col 3, lines 25-39);

a user interface that receives relevant advisories (fig 9 and 13a); and
a display and management system that displays relevant advisories for inspection by said advice consumer (fig 9 and fig 13a).

18. As per claim 13, Reisman discloses wherein any information that is actually on an advice consumer computer or reachable from said advice consumer computer may be used to determine relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

19. As per claim 14, Reisman discloses digital documents which contain an explanatory component describing in terms said advice consumer can easily understand the reason that said advisory is relevant and the purpose and effects of the action which is being recommended to said advice consumer (col 2, lines 20-64).

Response to Arguments

20. Applicant's arguments filed 04/26/2006 have been fully considered but they are not persuasive, therefore rejections to claims 1-14 is maintained.

21. The Examiner takes note the above Applicant's remark; however, Applicant's remark could not be imported into the claim. Therefore, the Examiner could not consider Applicant 's remark.

22. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

23. In the remarks applicants argued that:

Argument: There is no disclosure of system in which advice provider which broadcasts information over communications medium to said plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers wherein said reader associated with advice consumer determines relevance of gathered broadcast information to the advice consumer (on page 6 of remarks).

Response: Reisman discloses an advice provider (special purpose server, col 9, lines 43-50; col 26, lines 20-44) which broadcasts (broadcast information, col 26, lines 22-44) information over a communications medium to a plurality (wide base of users, col 26, lines 7-11) of advice consumers (col 26, lines 22-44), irrespective of actual relevance (in the context of tuned and broadcast to identify and receive from the broadcast specific data element anticipates irrespective of actual relevance, col 26, lines 20-31) of said information to said plurality of advice consumers (recipient communication devices, col 26, lines 20-44) a reader associated (communication device tuned to identify and receive , col 26, lines 22-30) with said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates reader, col 26, lines 20-45) for determining relevance (tuned, col 20-44) of said gathered broadcast information to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

Argument: Reisman fails to disclose message is broadcast to advice consumer to whom it is potentially relevant without requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumer.

Response: Cheng discloses message is broadcast to advice consumer to whom it is potentially relevant without (102, fig 1, col 2, lines 61-67) requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Reisman and Cheng. The motivation would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

Argument: Reisman fails to disclose communications protocol for narrowly-focused (fetch –send protocol, 22, fig 1) targeting of said received advisories to said advice consumer automatically matching said received advisories at said advice consumer for whom said received advisories are potentially relevant (tuned is interpreted as relevance, identifying specific is interpreted as automatically matching, col 26, lines 22-44).

Response: Reisman discloses communications protocol for narrowly-focused (fetch –send protocol, 22, fig 1) targeting of said received advisories to said advice consumer automatically matching said received advisories at said advice consumer for whom said received advisories are potentially relevant

(tuned is interpreted as relevance, identifying specific is interpreted as automatically matching, col 26, lines 22-44).

24. In response to Applicant's arguments **against the references individually**, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, preparing a message at an advice provider location (data objects, col 26, lines 20-31); broadcasting said message to potential advice consumer anonymously (col 47, lines 50-54, lines 62-63) using network (broadcast information distribution system, col 26, lines 20-31; col 47, lines 50-67, proxy server); receiving said broadcast message to said potential advice consumers (col 26,

lines 20-46); storing said received broadcast message at an advice consumer location (col 26, lines 20-45); and determining at said advice consumer location whether said stored received broadcast message is relevant to said advice consumer location (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45); is broadcast to advice consumers to whom it is potentially relevant (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45). Cheng discloses message is broadcast to advice consumer to whom it is potentially relevant without (102, fig 1, col 2, lines 61-67) requiring that said advice consumer divulge their identity or attributes or message-related relevance information to said advice consumers (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Reisman and Cheng. The motivation (Reisman, col 47, lines 50-67, firewall, hiding information, proxy) would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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